

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S Liberty Rd, 110' S of c/l  
inters. Bond & W. Liberty Rds \* ZONING COMMISSIONER  
21113 W. Liberty Road  
7th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District  
James J. Rehrey, Petitioner \* CASE No. 95-260-SPH

\*\*\*\*\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 21113 W. Liberty Road in the northeast section of Baltimore County. The Petition is filed by James J. Rehrey, property owner. Approval is sought for a subdivision of the subject property and to approve the R.C.2 portion of lot No. 1 as non-density. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was the property owner, James J. Rehrey. Also appearing in support of the Petition was Dennis Glorioso, Mr. Rehrey's son in-law, and Bruce Doak, a Registered Professional Surveyor with the firm of Gerhold, Cross and Etzel. Mr. Doak prepared the site plan. There were no other interested persons or Protestants present.

Testimony and evidence presented was that the entire subject site is 43.105 acres. The tract is split zoned R.C.2 and R.C.4. The predominant northern portion of the site is zoned R.C.4 and contains 34.069 acres. The smaller portion to the south zoned R.C.2 is 8.918 acres in area.

The subject tract lies adjacent to West Liberty Road not far from the Harford County/Baltimore County line. Moreover, the Mason/Dixon line separating Maryland and Pennsylvania lies not far from the site to the north. Presently, the site is improved with an existing two story dwelling which

ORIGINAL FILED  
3/24/91  
M. Doak

RECORDED

bears the address 21113 W. Liberty Road. A small shed and large barn are also present on the tract, as is a small building which presently serves as a dwelling. This building is shown on the plan as a future shed and for reasons explained, hereinafter, is due to be converted into a shed pending approval of the subject zoning Petition.

As noted above, the Petitioner proposes subdividing the subject property into two lots. As clearly shown on the site plan, a parcel to be known as lot No. 1 is to be created and will contain 5.075 acres. This lot will contain both R.C.2 and R.C.4 land. Approximately 2.369 acres of lot No. 1 will be zoned R.C.4 and 2.706 acres will be zoned R.C.2. The Petitioner proposes constructing a single family dwelling thereon as shown on the site plan. The proposed dwelling will be known as 21111 W. Liberty Road and will be occupied by Mr. Rehrey. He anticipates selling the balance of the tract, which is shown in the plan as the "remaining tract" and contains 37.937 acres. The remaining tract will largely be made up of property zoned R.C.4, however, a portion of same will be zoned R.C.2.

As noted hereinabove, the Petitioner seeks special hearing relief so as to approve the R.C.2 portion of lot No. 1 as non-density. The proposed dwelling to be known as 21111 W. Liberty Road will be on that portion of lot No. 1 zoned R.C.4. The section of lot No. 1, zoned R.C.2, will be unimproved. Lot No. 1 will not be farmed and is not considered prime agricultural land. It is primarily comprised of woods, a stream and steep slopes and is not practical for farming. That portion of the lot to be cleared to make room for the proposed dwelling, septic system and other attendant improvements, is zoned R.C.4.

The Petitioner seeks special hearing relief so as to avoid the result otherwise required by Section 1A00.5 of the BCZR. That regulation states that when a single tract is divided by a zone boundary, so as to result in

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Date 3/30/95  
By M. Chark

portions of the tract containing R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and the separate tracts shall be considered separate parcels. In that the property owner only wishes to place one dwelling on lot No. 1, and not utilize any of the density rights associated with the unimproved portion of the lot zoned R.C.2, special hearing relief is requested to designate the 2.706 R.C.2 acres as non-density. Obtaining such relief will allow the Petitioner to utilize only one density unit for the entire 5.075 acres which comprise lot No. 1, leaving other density units unencumbered and attached to the remaining tract of 37.937 acres.

Upon due consideration of the testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. It is clear that the tract, in its entirety, contains more than sufficient density to allow for this subdivision. Moreover, the character of lot No. 1 acreage and its unsuitability for farming, presents a compelling reason to justify the proposed subdivision. I am persuaded that the Petitioner's proposal and the subdivision as shown on Petitioner's Exhibit No. 1 will not create any adverse affect to the surrounding locale. For these reasons, I am persuaded to grant the Petition for Special Hearing.

Notwithstanding my approval of the Petition, additional comments are offered regarding two other issues which were raised at the hearing. A Zoning Plans Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Resource Management (DEPRM). That comment noted that the two acre portion of lot No. 1, which encompasses the R.C.2 portion of the land, exceeds 60,000 sq. ft. DEPRM's policy is to discourage a subdivision which would result in that portion of the lot, zoned R.C.2, being greater than 60,000 sq. ft. Although this policy is based upon sound reasons, the actual use of this site and its topography are

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3/26/95  
M. J. Grant  
5/1

considerations which support a departure from this policy in this case. As noted above, that portion of lot No. 1 containing the R.C.2 acreage is not suitable for farming and will not be developed. I find no potential adverse affect to agricultural resources or uses by the granting of the special hearing.

A second issue raised relates to the small structure near the existing dwelling. As noted above, this structure is presently occupied, however, is shown on the plan as a future shed. In that the site plan submitted for consideration need be approved as part of the grant of the special hearing, my Order will require the conversion of the building from a dwelling to a shed. The County agencies which reviewed this plan no doubt observed that notation on the plan showing the proposed conversion and their review may have been different if they had been advised that the dwelling was to remain. Thus, I will require the Petitioner to comply with its notes as shown on the plan and complete the conversion.

However, I remind the Petitioner that the BCZR does allow tenant dwellings on R.C.2 and R.C.4 properties. The Petitioner should be aware that a tenant dwelling could remain, if the Petitioner submitted the requisite request for same through the Office of Zoning Administration and Development Management (ZADM) and complied with the requirements of the BCZR and supporting regulations and policies. (See Section 1A01.2.B.7 of the BCZR as to tenant dwellings in R.C.2 zones and Section 1A03.4.B.7 as to R.C.4 zones)

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that, pursuant to the Petition for Special Hearing, approval to allow a subdivision of the subject site so as to permit

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3/30/95  
Mr. Hark

the R.C.2 portion of lot No. 1 as containing no density, be and is hereby  
GRANTED subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

COPIES RETURNED FOR FILING  
DATE 3/30/95  
BY M. Chach

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1995

Mr. James J. Rehrey  
21113 W. Liberty Road  
West Liberty, Maryland 21120

RE: Petitions for Special Hearing  
Case No. 95-260-SPH  
Property: 21113 W. Liberty Road, Parkton

Dear Mr. Rehrey:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

cc: Mr. Bruce Doak, Gerhold, Cross and Etzel, Ltd.





# Petition for Special Hearing

95-260-SPH

## to the Zoning Commissioner of Baltimore County

for the property located at 21113 West Liberty Road  
which is presently zoned RC4 and RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to approve the R.C. 2 portion on lot 1 as "non-density"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James J. Rehrey

(Type or Print Name)

X. James Rehrey

Signature

(Type or Print Name)

Signature

21113 West Liberty Road

Address

357-5320

Phone No.

West Liberty MD

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Bernard Cross & Stiegel Ltd.

Name

320 E. Towson town Blvd.

Address

823-4470

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: Jhr

DATE

1-25-95

#261

95-260-SPH

GORDON T. LANGDON  
DENNIS M. MILLER  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL**  
*Registered Professional Land Surveyors*  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

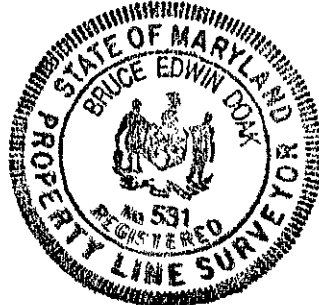
410-823-4470  
FAX 410-823-4473

**EMERITUS**  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
**OF COUNSEL**  
JOHN F. ETZEL  
WILLIAM G. ULRICH

January 16, 1995

**Zoning Description for 21113 West Liberty Road**

Beginning at a point in or near the centerline of West Liberty Road which ultimate right-of-way is 60 feet wide at a distance of 110 feet more or less south of the centerline intersection of Bond Road and West Liberty road. As recorded in Deed Liber E.H.K.Jr. 6430 folio 301 and described as follows, to wit: binding in or near the centerline of said West Liberty Road, the following nine courses and distances, viz: 1) South 24 degrees 37 minutes 36 seconds East 274.46 feet, thence 2) South 19 degrees 32 minutes 22 seconds East 120.10 feet, thence 3) South 09 degrees 24 minutes 05 seconds East 107.74 feet, thence 4) South 03 degrees 58 minutes 59 seconds West 96.57 feet, thence 5) South 16 degrees 30 minutes 27 seconds west 126.51 feet, thence 6) South 23 degrees 59 minutes 30 seconds West 189.85 feet, thence 7) by a curve to the left having a radius of 400.00 feet for an arc length of 217.53 feet being subtended by a chord bearing South 08 degrees 24 minutes 44 seconds West 214.86 feet, thence 8) South 12 degrees 45 minutes 43 seconds East 100.29 feet, and 9) South 13 degrees 25 minutes 16 seconds East 388.42 feet, thence leaving said road and binding on the outlines of the herein referred deed the following eight courses and distances, viz: 10) North 57 degrees 29 minutes 25 seconds East 1604.28 feet, thence 11) North 28 degrees 14 minutes 53 seconds West 800.20 feet, thence 12) North 01 degrees 46 minutes 43 seconds East 636.04 feet, thence 13) South 70 degrees 53 minutes 55 seconds West 409.65 feet, thence 14) South 20 degrees 38 minutes 55 seconds West 189.00 feet, thence 15) South 73 degrees 23 minutes 55 seconds West 267.14 feet, thence 16) South 66 degrees 40 minutes 16 seconds West 183.21 feet, and 17) South 36 degrees 13 minutes 59 seconds West 421.42 feet to the place of beginning.



261



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-760-SPH

District: 7th Date of Posting: 7/10/95

Posted for: Special Hearing

Petitioner: James L. Roberts

Location of property: 21113 W. Liberty Rd. w/s

Location of Signs: Facing road way, on property being zoned

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 7/17/95  
Signature

Number of Signs: 1

MICROFILMED



# CERTIFICATE OF PUBLICATION

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-260-SPH  
(Item 261)

21113 W. Liberty Road

W/S Liberty Road, 110' + 7' S  
of c/l Intersection Bond  
Road and W. Liberty Road  
7th Election District  
3rd Councilmanic  
Legal Owner(s):

James J. Rehrey

Hearing: Monday,  
February 27, 1995, at  
10:00 a.m. in Rm. 118, Old  
Courthouse.

**Special Hearing** to approve  
the R.C.-2 portion on Lot 1 as  
"non-density".

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible; for special ac-  
commodations Please Call  
887-3353.

(2) For information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.  
2/130 February 9.

TOWSON, MD.,

2/10

, 1995

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 2/9, 1995.

**THE JEFFERSONIAN,**

*A. Henrichson*

**LEGAL AD. - TOWSON**

~~Publication~~

1995 FEB 10 AM 10:00



*Baltimore County*  
**Zoning Administration &  
 Development Management**  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

2. 6. 1

**receipt**  
 95-260-SPH

Account: R-001-6150

Number

3114

Date

1 2 5 - 95

Dr. 11113 W. 1113  
 SPH 1126 (030)  
 P. 11113 (080)

7 1113 W. 1113  
 6 1113 W. 1113  
 5 1113 W. 1113  
 3 5 - 20  
 3 5 - 20

RECEIVED

03A03H0029ACCRCC  
 RA 0002:46PM01-25-95

\$109.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 261

Petitioner: SAME AS BELOW

Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES J. RENTREY

ADDRESS: 2113 WEST LIBERTY ROAD

WEST LIBERTY, MARYLAND 21120

PHONE NUMBER: 410-357-5320

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY

February 9, 1995 Issue - Jeffersonian

Please forward billing to:

James J. Rehrey  
21113 W. Liberty Road  
West Liberty, MD 21120  
357-5320

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-260-SPH (Item 261)

21113 W. Liberty Road

W/S Liberty Road, 110' +/- S of c/l intersection Bond Road and W. Liberty Road  
7th Election District - 3rd Councilmanic

Legal Owner(s): James J. Rehrey

HEARING: MONDAY, FEBRUARY 27, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the R.C.-2 portion on Lot 1 as "non-density".

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 2, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-260-SPH (Item 261)  
21113 W. Liberty Road  
W/S Liberty Road, 110' +/- S of c/l intersection Bond Road and W. Liberty Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): James J. Rehrey  
HEARING: MONDAY, FEBRUARY 27, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the R.C.-2 portion on Lot 1 as "non-density".

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: James J. Rehrey  
Gerhold, Cross & Etzel, Ltd.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 21, 1995

Mr. James Rehrey  
21113 West Liberty Road  
West Liberty, Maryland 21120

RE: Item No.: 261  
Case No.: 95-260SPH  
Petitioner: James Rehrey

Dear Mr. Rehrey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: February 13, 1995  
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for February 13, 1995  
Items 246, 256, 257, 260, 261 and 263

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

*RECEIVED*



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 9, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 261, 264, 269, and 273

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Cary L. Kerns*

PK/JL

MICROFILMED



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary

Hal Kassoff  
Administrator

2-7-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County

Item No.: \$ 261 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/07/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 6, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 246, 252, 253, 254, 255,  
256, 257, 258, 259, 260, 261 AND 263.

RECEIVED

FEB 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director February 23, 1995  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson *JLP/ms*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #261 - Rehrey Property  
21113 West Liberty Road  
Zoning Advisory Committee Meeting of February 6, 1995

Agricultural Preservation Program

This request has been reviewed for agricultural purposes and prime and productive soils.

There is no basis in this request for protecting or furthering agricultural uses in the RC-2 zone. Furthermore, the 2 acre size exceeds the 60,000 square feet policy recommendation. The location, however, is such that there is no significant detrimental impact on agricultural resources. Recommend that 2 acres be reduced to 60,000 square feet if decision is made on nonagricultural basis to grant this request.

Ground Water Management

Revised site plans must be submitted and a well must be drilled which meets the minimum yield of one gallon per minute prior to approval of a building permit.

JLP:sp

REHREY/DEPRM/TXTSBP

RECEIVED  
FEB 24 1995

ZADM

MICROFILMED

RE: PETITION FOR SPECIAL HEARING  
21113 W. Liberty Road, W/S Liberty Road,  
110'+/- S of c/l intersection Bond Road  
and W. Liberty Road, 7th Election Dist.,  
3rd Councilmanic

James J. Rehrey  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 95-260-SPH  
\*

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd., 320 W. Towsontown Blvd., Towson, MD 21286, representative for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

**ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT**

**BALTIMORE COUNTY DEVELOPMENT PROCESS**

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**CONCEPT    TIMELINE - Approximately Sixty (60) Days**

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<b><u>Legislative Mandate</u></b>	<b><u>Activity</u></b>	<b><u>Coordinating Agency</u></b>
<b>Optional</b>	<b>INFORMATIONAL CONFERENCE</b> <u>Scheduled</u> on Tuesdays at half-hour intervals. <u>Purpose:</u> For applicant to learn about County policies, standards and legislation.	<b>ZADM</b>
<b>Optional</b>	<b>PRECONCEPT PLAN CONFERENCE</b> <u>Scheduled</u> on Tuesdays at 45 minute intervals. <u>Attended by:</u> OPZ, DPW, DEPRM & ZADM <u>Purpose:</u> For the applicant and relevant County agencies to discuss concept plan requirements.	<b>ZADM</b>
<b>Required prior to COMMUNITY INPUT MEETING and filing of Development Plan</b>	<b>CONCEPT PLAN CHECKPRINT</b> <u>Purpose:</u> Two (2) copies of a concept plan checkprint must be submitted to ZADM for review. Plan is reviewed and returned to applicant within five (5) working days.	<b>ZADM</b>
<b>Required prior to COMMUNITY INPUT MEETING and filing of Development Plan</b>	<b>CONCEPT PLAN -</b> Plans to be accepted for distribution for review by agencies. Number of plans to be determined by ZADM.	<b>ZADM</b>

MICROFILMED

cont'd

To be held within ten (10) working days of acceptance date of concept plan.

#### CONCEPT PLAN CONFERENCE

Scheduled on Mondays by ZADM

ZADM

Attended by: DPW, OPZ, DEPRM, ZADM, et al; Chaired by ZADM.

Purpose: - For the applicant to receive plan review comments.  
- For OPZ to identify parties to be invited to Community Input Meeting.  
- Referral to Planning Board to resolve Master Plan conflicts.  
- Determine date and location of CIM.

Within ten (10) working days of Concept Plan Conference.

#### POSTING of property for CIM

ZADM

Purpose: To advise the public of the date, time and location of the CIM.

Ten (10) days prior to CIM

#### INVITATION OF COUNTY AGENCIES TO CIM

Director of ZADM

Purpose: Any party may request a reviewing agency representative to attend the CIM.

Held between 21 and 30 days after Posting

#### COMMUNITY INPUT MEETING (CIM)

ZADM

Scheduled by the applicant in the vicinity of the proposed development or in Towson, if no other meeting site can be arranged.

Purpose: For the applicant to present the Concept Plan for comment and discussion by any party. Minutes will be recorded by ZADM representative.

As required by the Director of ZADM

#### ADDITIONAL COMMUNITY INPUT MEETING

ZADM

Purpose: If any comments or conditions are unresolved, an additional CIM may be necessary.

**ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT****BALTIMORE COUNTY DEVELOPMENT PROCESS**

---

**DEVELOPMENT      TIMELINE - Approximately Sixty (60) Days**

---

<b>Legislative Mandate</b>	<b>Activity</b>	<b>Coordinating Agency</b>
<b>Must be submitted within twelve (12) months of CIM</b>	<b>DEVELOPMENT PLAN CHECKPRINT</b> <u>Purpose:</u> Two (2) copies of a development plan checkprint must be submitted for ZADM to review the plan for general conformance with the Concept Plan presented at the CIM.	<b>ZADM</b>
<b>Within fifteen (15) days of receipt of the Development Plan</b>	<b>DEVELOPMENT PLAN</b> To be accepted for distribution for review by agencies.	<b>ZADM</b>
<b>Held between twenty-one (21) and thirty (30) days after the plan has been accepted, i.e. posted.</b>	<b>SCHEDULE OF HEARING OFFICER'S HEARING</b>	<b>ZADM</b>
<b>At least twenty (20) working days before Hearing</b>	<b><u>POSTING</u> FOR Development Plan Hearing</b> <u>Purpose:</u> To advise public of the date, time and place of the Hearing Officer's Hearing.	<b>ZADM</b>
<b>Fifteen (15) days prior to Hearing</b>	<b>ADVERTISEMENT OF HEARING</b> <u>Purpose:</u> To advertise notices of Zoning Actions only, such as; special exceptions, variances, etc	<b>ZADM</b>
<b>At least ten (10) working days prior to Hearing Officer's Hearing</b>	<b>DEVELOPMENT PLAN CONFERENCE</b> Notice of the conference shall be posted in the County Office Building. Written notice shall be sent to all known parties. <u>Purpose:</u> To resolve any conflict between agency comments or resolve comments raised by any party at the CIM.	<b>ZADM</b>

cont'd



At least five (5) working days prior to Hearing Officer's Hearing

**AGENCY COMMENTS, RESPONSES, COMPATIBILITY RECOMMENDATIONS, CRITICAL AREA FINDINGS**

All Agencies

The above must be submitted in writing to the Hearing Officer.

Held in accordance with above schedule

**Hearing Officer's Hearing**

Zoning Commissioner or Deputy Zoning Commissioner

Within fifteen (15) days of Hearing

**Final Action by Hearing Officer**

The Hearing Officer must make a decision on the Development Plan submitted within fifteen (15) days of the hearing or the plan is deemed to be approved as submitted.

Within five (5) working days final action

**Plan approved by the Hearing Officer forwarded to County Agencies**

Copies of the approved plan with the Hearing Officer's Order affixed must be sealed and certified to be in accordance with the Hearing Officer's order and all agency comments.

Within thirty (30) days of final action

**Appeals** - Any aggrieved party may file any appeal with the Board of Appeals within 30 days of final action.

Within ten (10) days of Notice of Appeal

**Petition setting forth grounds of appeal** must be filed with the Board of Appeals.

Not less than forty-five (45) days and no more than sixty (60) days of final action

**Board of Appeals Hearing**

Five (5) years from final action

**Plan Approval Expiration**

Approved plans are valid for a period of five (5) years from date of final action.

# TENANT FARMER'S DWELLINGS

(also see RM-13.6 tennant trailers)

- A. Tenant dwellings are permitted only on farms, and may only be occupied by a tenant farmer whose principal vocation would be farming on the property. (See definition of farm in Section 101, B.C.Z.R.)
- B. Tenant dwellings are permitted in the D.R. zones under farms (Section 1B01.1.A.7) and in the R.C. Zones under the following sections:
- 1A01.2.B.7.i (R.C.2)
  - 1A02.3.B.7 (R.C.3)
  - 1A03.4.B.7 (R.C.4)
  - 1A04.3.B.6 (R.C.5)
  - 1A05.2.A.4 (R.C. 20 & 50)
- C. The Zoning Commissioner requires that the property be a bona fide farm and the occupant of the dwelling be a bona fide tenant farmer. In all cases, a tenant affidavit must be filled out and signed by the owner of the property and a copy of the deed to the property attached. This will be kept on file in the Office of ZADM. On small acreage farms or farmettes additional documentation or a special hearing may be required to justify a tenant farmer. Verification and/or recommendation by the Agricultural Land Preservation Advisory Board may be requested regarding the farm use and the need for an on-site tenant.

## CONTACT PERSON FOR THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD:

Wallace S. Lippincott, Jr. (887-2904)  
Program Administrator  
Agricultural Preservation Program  
Department of Environmental Protection  
and Resource Management (DEPRM)

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
before me, the subscriber, a Notary Public in and for the State and County  
aforesaid, personally appeared \_\_\_\_\_

\_\_\_\_\_, and having been duly sworn, states as follows:

1. That (he/she/they) (is/are) the owner(s) of \_\_\_\_\_ acres of land  
located at \_\_\_\_\_, in the \_\_\_\_\_ Election  
District of Baltimore County which was acquired on \_\_\_\_\_ by  
Deed dated \_\_\_\_\_ and recorded among the Land Records  
of Baltimore County in Liber \_\_\_\_\_, No. \_\_\_\_\_, folio \_\_\_\_\_, a copy of which  
is attached hereto.

2. That the primary use of the aforementioned property will be that of a  
farm as defined in Section 101 of the Baltimore County Zoning Regulations.

3. That the owners in accordance with the application of building permit  
will construct \_\_\_\_\_

4. That any tenant houses which will be constructed pursuant to any  
approval and/or permit issued by Baltimore County will be occupied at all  
times by a farmer whose principal vocation will be farming of the above-  
described property.

5. With regard to the construction of any tenant house, I understand that  
I cannot transfer ownership of said tenant house separate and apart from a  
conveyance of all of the property described in paragraph No. 1 hereof without,  
prior thereto, complying with the requirements of the subdivision regulations.  
I understand that any transfer or conveyance of a part of the property on which  
is located a tenant house for which an approval or permit is now being  
granted without complying with the requirements of the subdivision regula-  
tions (inclusive of approval of a subdivision plat by the Planning Board) is a  
violation of the law. I will not transfer or convey any part of my property  
without complying with the requirement of the subdivision regulations.

\_\_\_\_\_  
\_\_\_\_\_  
Owners

AS WITNESS my hand and Notarial Seal the day and year first above written

\_\_\_\_\_  
NOTARY PUBLIC

**TENANT FARMER'S DWELLINGS  
BALTIMORE COUNTY, MARYLAND**

TO BE SUPPLIED BY  
THE APPLICANT

**INTER-OFFICE CORRESPONDENCE**

**TO** Wallace S. Lippincott, Jr.  
Program Administrator  
Agricultural Preservation Program  
Department of Environmental Protection  
and Resource Management (DEPRM)

Date \_\_\_\_\_

**FROM** Arnold Jablon, Director  
Zoning Administration and Development  
Management (ZADM)

**SUBJECT** Application for tenant ☐ Dwelling ☐ Trailer

Election District \_\_\_\_\_

Owner: \_\_\_\_\_

Phone # \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Account  
Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Pursuant to the Zoning Commissioner's policies this office is officially requesting verification of the legitimacy of a farm use and the need for an on-site full time tenant farmer on the above referenced property. In the judgement of the Director and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

1. the signed and notarized tenant affidavit
2. the deed and property site plans map block parcel
3. the state tax map for that area ☐ ☐ ☐

We appreciate your verification and/or recommendations concerning this property.

\*\*\*\*\*

**LEGITIMACY OF A FARM USE**

☐ Yes ☐ No ☐ Comment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NEED FOR AN ON-SITE TENANT FARMER**

☐ Yes ☐ No ☐ Comment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Representative of the Agricultural  
Land Preservation Board for  
Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Dennis Glorioso

James Rehney

Bruce Deek -

21201 W. Liberty Rd Parkton

21153 W. Liberty Rd Parkton 21211





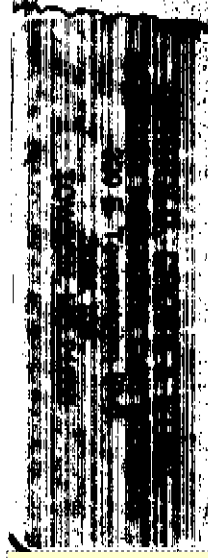
95-260-SPH

Handwritten signature/initials

MICROFILMED

From Zoning Maps NE. 37-B and NE. 38-B

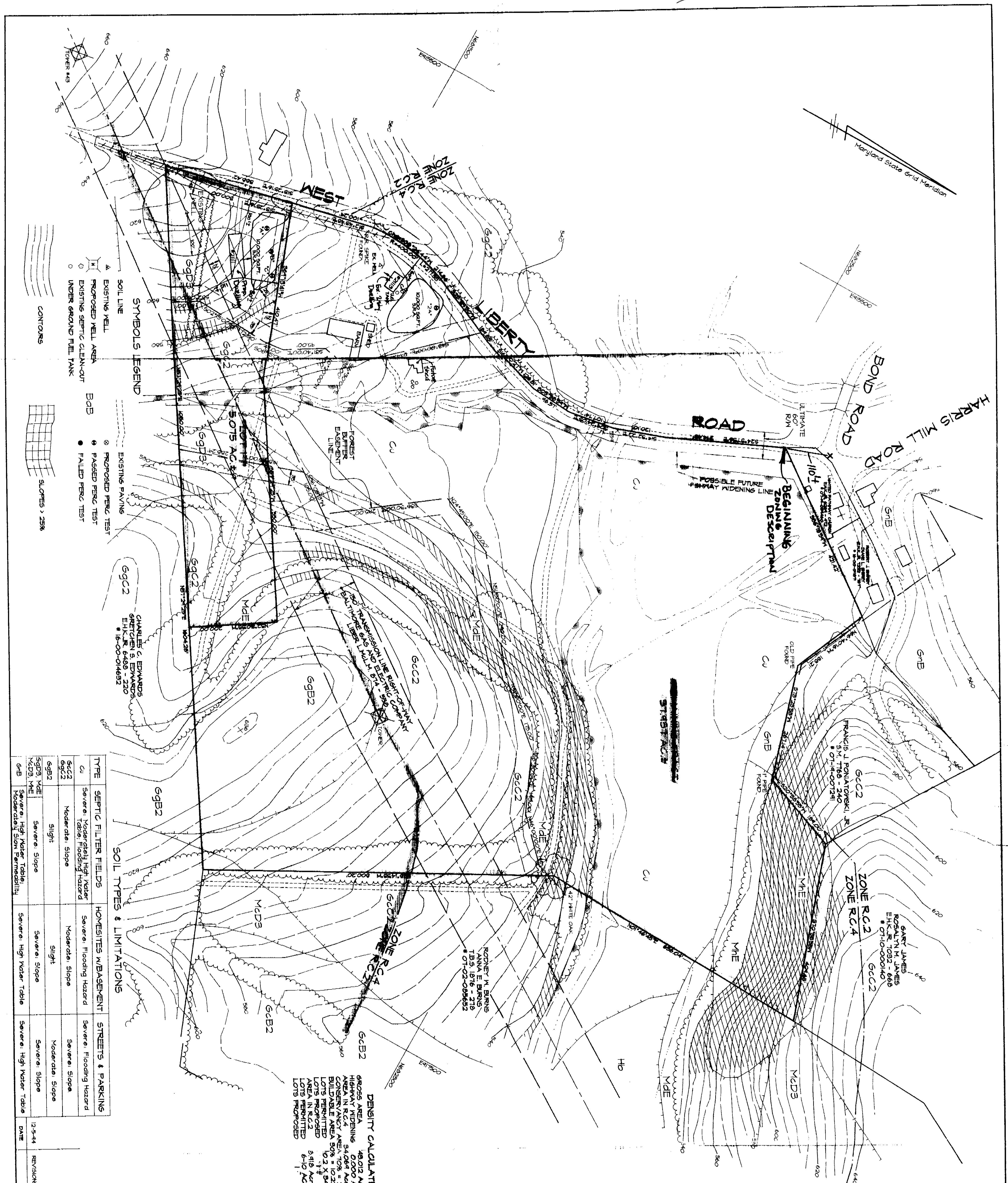
Scale 1" = 200'











TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
Cu	Severe: Moderately High Water Table Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
S6C2 S6C3	Moderate: Slope	Moderate: Slope	Severe: Slope
S6B2	Slight	Slight	Moderate: Slope
S6D3 ME	Severe: Slope	Severe: Slope	Severe: Slope
G-B5	Severe: High Water Table: Moderately Slow Permeability	Severe: High Water Table	Severe: High Water Table

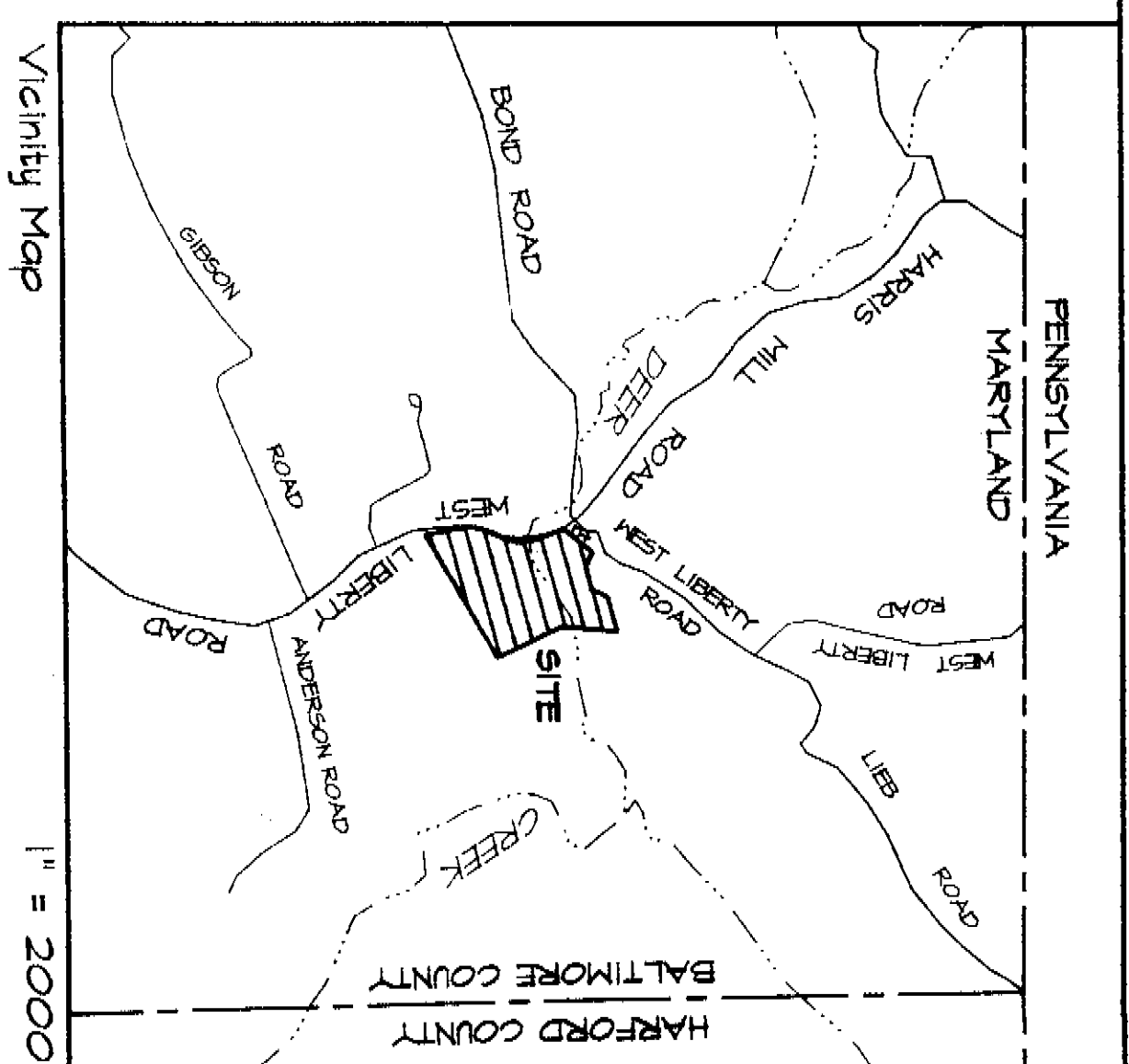
DATE	REVISION	REVISIONS PER IST SUBMITTAL COMMENTS

OWNER/DEVELOPER  
 & LORRY JAMES J. REHREY, ET AL  
 2113 WEST LIBERTY ROAD  
 WEST LIBERTY, MARYLAND 21120  
 LOT 3  
 PLAN TO ACCOMPANY SPECIAL HEARING  
 MINOR SUBDIVISION OF  
 REHREY PROPERTY  
 2113 WEST LIBERTY ROAD  
 Deed Ref: EHKJR, No. 6430 Folio 301  
 Tax Account No. 17-00-004842  
 Zoned R.C.-4 and R.C.-2  
 Tax Map 8 and 3 Parcel 213  
 7TH ELECTION DISTRICT  
 BALTIMORE COUNTY, MARYLAND  
 BALTO. CO. FILE # 44-196-41

EXHIBIT 181

1. BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERROLD, CROSBY & EITZ, INC. OF 1961.
2. TOPOGRAHY SHOWN HEREON IS FROM BALTIMORE COUNTY 200 SCALE PHOTOAEROMETRIC MAP NO. 10, 1958-B, AND THE STRIP.
3. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELL AND SPRING.
4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY 1:25,000 SCALE PHOTOAEROMETRIC MAP NO. 10, 1958-B, AND THE STRIP.
5. BATHYMETRY AND STORM WATER CHANNELS SHOWN HEREON ARE BASED ON FLOODING DATA TAKEN FROM BALTIMORE COUNTY, MARYLAND.
6. THE PROPERTY AS SHOWN ON THE PLAN HAS BEEN FIELD INSPECTED BY JAMES J. BERRYMAN OF HIS ENGINEERING FIRM AND IS NOT BEING OFFERED FOR SALE.
7. THE PLAN HAS BEEN FIELD INSPECTED, RECORDED, OR REPRESENTED AS DEEDS, OR AS A BASIS TO SUPPORT ANY OFF-SITE DUTY LINES.
8. THE PROPERTY IS DESIGNATED 800' SHOT LINE. THE AREA BETWEEN THE SIXTH LINE AND THE EDGE OF THE ROAD HEREIN BE CLAIMED, GRASSY, AND KEPT FREE OF ALL OBSTRUCTIONS.
9. THE PROPERTY IS DESIGNATED 800' SHOT LINE. THE AREA BETWEEN THE SIXTH LINE AND THE EDGE OF THE ROAD HEREIN BE CLAIMED, GRASSY, AND KEPT FREE OF ALL OBSTRUCTIONS.
10. SITE IS NOT LOCATED IN THE CHESEBROUGH BAY CRITICAL AREA.
11. NO GRADING IS TO BE DONE IN THE SPRING RESERVE AREA.
12. PROPERTY IS CURRENTLY BEING USED FOR AGRICULTURAL PURPOSES.
13. THIS PROPERTY IS NOT BEING OFFERED FOR SALE.
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100. THIS PROPERTY IS NOT BEING OFFERED FOR SALE.

GENERAL NOTES



Vicinity Map

2000



IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S Liberty Rd, 110' S of c/l ZONING COMMISSIONER  
inters. Bond & W. Liberty Rds \*  
21113 W. Liberty Road \* OF BALTIMORE COUNTY  
7th Election District \*  
3rd Councilmanic District \*  
James J. Rehrey, Petitioner \* CASE No. 95-260-SPH

\*\*\*\*\*  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 21113 W. Liberty Road in the northeast section of Baltimore County. The Petition is filed by James J. Rehrey, property owner. Approval is sought for a subdivision of the subject property and to approve the R.C.2 portion of lot No. 1 as non-density. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was the property owner, James J. Rehrey. Also appearing in support of the Petition was Dennis Glorioso, Mr. Rehrey's son in-law, and Bruce Doak, a Registered Professional Surveyor with the firm of Gerhold, Cross and Etzel. Mr. Doak prepared the site plan. There were no other interested persons or Protestants present.

Testimony and evidence presented was that the entire subject site is 43.105 acres. The tract is split zoned R.C.2 and R.C.4. The predominant northern portion of the site is zoned R.C.4 and contains 34.069 acres. The smaller portion to the south zoned R.C.2 is 8.918 acres in area.

The subject tract lies adjacent to West Liberty Road not far from the Harford County/Baltimore County line. Moreover, the Mason/Dixon line separating Maryland and Pennsylvania lies not far from the site to the north. Presently, the site is improved with an existing two story dwelling which

bears the address 21113 W. Liberty Road. A small shed and large barn are also present on the tract, as is a small building which presently serves as a dwelling. This building is shown on the plan as a future shed and for reasons explained, hereinafter, is due to be converted into a shed pending approval of the subject zoning Petition.

As noted above, the Petitioner proposes subdividing the subject property into two lots. As clearly shown on the site plan, a parcel to be known as lot No. 1 is to be created and will contain 5.075 acres. This lot will contain both R.C.2 and R.C.4 land. Approximately 2.369 acres of lot No. 1 will be zoned R.C.4 and 2.706 acres will be zoned R.C.2. The Petitioner proposes constructing a single family dwelling thereon as shown on the site plan. The proposed dwelling will be known as 21111 W. Liberty Road and will be occupied by Mr. Rehrey. He anticipates selling the balance of the tract, which is shown in the plan as the "remaining tract" and contains 37.937 acres. The remaining tract will largely be made up of property zoned R.C.4, however, a portion of same will be zoned R.C.2.

As noted hereinabove, the Petitioner seeks special hearing relief so as to approve the R.C.2 portion of lot No. 1 as non-density. The proposed dwelling to be known as 21111 W. Liberty Road will be on that portion of lot No. 1 zoned R.C.4. The section of lot No. 1, zoned R.C.2, will be unimproved. Lot No. 1 will not be farmed and is not considered prime agricultural land. It is primarily comprised of woods, a stream and steep slopes and is not practical for farming. That portion of the lot to be cleared to make room for the proposed dwelling, septic system and other attendant improvements, is zoned R.C.4.

The Petitioner seeks special hearing relief so as to avoid the result otherwise required by Section 1A00.5 of the BCZR. That regulation states that when a single tract is divided by a zone boundary, so as to result in

-2-

portions of the tract containing R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and the separate tracts shall be considered separate parcels. In that the property owner only wishes to place one dwelling on lot No. 1, and not utilize any of the density rights associated with the unimproved portion of the lot zoned R.C.2, special hearing relief is requested to designate the 2.706 R.C.2 acres as non-density. Obtaining such relief will allow the Petitioner to utilize only one density unit for the entire 5.075 acres which comprise lot No. 1, leaving other density units unencumbered and attached to the remaining tract of 37.937 acres.

Upon due consideration of the testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. It is clear that the tract, in its entirety, contains more than sufficient density to allow for this subdivision. Moreover, the character of lot No. 1 acreage and its unsuitability for farming, presents a compelling reason to justify the proposed subdivision. I am persuaded that the Petitioner's proposal and the subdivision as shown on Petitioner's Exhibit No. 1 will not create any adverse affect to the surrounding locale. For these reasons, I am persuaded to grant the Petition for Special Hearing.

Notwithstanding my approval of the Petition, additional comments are offered regarding two other issues which were raised at the hearing. A Zoning Plans Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Resource Management (DEPRM). That comment noted that the two acre portion of lot No. 1, which encompasses the R.C.2 portion of the land, exceeds 60,000 sq. ft. DEPRM's policy is to discourage a subdivision which would result in that portion of the lot, zoned R.C.2, being greater than 60,000 sq. ft. Although this policy is based upon sound reasons, the actual use of this site and its topography are

-3-

considerations which support a departure from this policy in this case. As noted above, that portion of lot No. 1 containing the R.C.2 acreage is not suitable for farming and will not be developed. I find no potential adverse affect to agricultural resources or uses by the granting of the special hearing.

A second issue raised relates to the small structure near the existing dwelling. As noted above, this structure is presently occupied, however, is shown on the plan as a future shed. In that the site plan submitted for consideration need be approved as part of the grant of the special hearing, my Order will require the conversion of the building from a dwelling to a shed. The County agencies which reviewed this plan no doubt observed that notation on the plan showing the proposed conversion and their review may have been different if they had been advised that the dwelling was to remain. Thus, I will require the Petitioner to comply with its notes as shown on the plan and complete the conversion.

However, I remind the Petitioner that the BCZR does allow tenant dwellings on R.C.2 and R.C.4 properties. The Petitioner should be aware that a tenant dwelling could remain, if the Petitioner submitted the requisite request for same through the Office of Zoning Administration and Development Management (ZADM) and complied with the requirements of the BCZR and supporting regulations and policies. (See Section 1A01.2.B.7 of the BCZR as to tenant dwellings in R.C.2 zones and Section 1A03.4.B.7 as to R.C.4 zones)

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that, pursuant to the Petition for Special Hearing, approval to allow a subdivision of the subject site so as to permit

-4-

the R.C.2 portion of lot No. 1 as containing no density, be and is hereby GRANTED subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1995

Mr. James J. Rehrey  
21113 W. Liberty Road  
West Liberty, Maryland 21120

RE: Petitions for Special Hearing  
Case No. 95-260-SPH  
Property: 21113 W. Liberty Road, Parkton

Dear Mr. Rehrey:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att:

cc: Mr. Bruce Doak, Gerhold, Cross and Etzel, Ltd.



**Petition for Special Hearing**  
to the Zoning Commissioner of Baltimore County

for the property located at 21113 West Liberty Road  
which is presently zoned R.C.2 and R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 900.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioners should approve

*to approve the R.C.2 portion on lot 1 as "non-density"*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser name

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

With my solemn oath and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

*James J. Rehrey*

*James J. Rehrey*

(Type or Print Name)

Signature

21113 West Liberty Road 357-5320

West Liberty MD

Name, Address and phone number of representative to be contacted

Gerhold, Cross & Etzel, Ltd.

320 E. Towson Town Blvd. 410-823-4470

OFFICE USE ONLY

Estimated length of hearing

On following date

At

RECEIVED BY *J. Sch* DATE 1-25-95

#261

GORDON T. LAWSON  
DENNIS M. MILLER  
EDWARD F. DEMCO-LONG  
BRUCE S. DOAK

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors

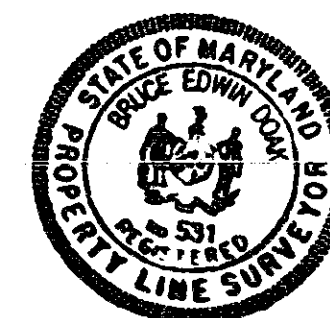
SUITE 100  
320 EAST TOWSON TOWN BOULEVARD  
TOWSON, MARYLAND 21206-5310  
410-823-4470  
FAX 410-823-4473

SERIALS  
PAUL G. DOLLEBERG  
FRED H. DOLLEBERG  
CARL A. GERHOLD  
PHILIP A. CROSS  
OF COURSE  
JOHN F. ETZEL  
WILLIAM R. ULBRICH

January 16, 1995

**Zoning Description for 21113 West Liberty Road**

Beginning at a point in or near the centerline of West Liberty Road which ultimate right-of-way is 60 feet wide at a distance of 110 feet more or less south of the centerline intersection of Bond Road and West Liberty road. As recorded in Deed Liber E.H.K.Jr. 6430 folio 301 and described as follows, to wit: binding in or near the centerline of said West Liberty Road, the following nine courses and distances, viz: 1) South 24 degrees 37 minutes 36 seconds East 274.46 feet, thence 2) South 19 degrees 32 minutes 22 seconds East 120.10 feet, thence 3) South 09 degrees 24 minutes 05 seconds East 107.74 feet, thence 4) South 03 degrees 58 minutes 59 seconds West 96.57 feet, thence 5) South 16 degrees 30 minutes 27 seconds west 126.51 feet, thence 6) South 23 degrees 59 minutes 30 seconds West 189.85 feet, thence 7) by a curve to the left having a radius of 400.00 feet for an arc length of 217.53 feet being subtended by a chord bearing South 08 degrees 24 minutes 44 seconds West 214.86 feet, thence 8) South 12 degrees 45 minutes 43 seconds East 100.29 feet, and 9) South 13 degrees 25 minutes 16 seconds East 388.42 feet, thence leaving said road and binding on the outlines of the herein referred deed the following eight courses and distances, viz: 10) North 57 degrees 29 minutes 25 seconds East 1604.28 feet, thence 11) North 28 degrees 14 minutes 53 seconds West 800.20 feet, thence 12) North 01 degrees 46 minutes 43 seconds East 636.04 feet, thence 13) South 70 degrees 53 minutes 55 seconds West 409.65 feet, thence 14) South 20 degrees 38 minutes 55 seconds West 189.00 feet, thence 15) South 73 degrees 23 minutes 55 seconds West 267.14 feet, thence 16) South 66 degrees 40 minutes 16 seconds West 183.21 feet, and 17) South 36 degrees 13 minutes 59 seconds West 421.42 feet to the place of beginning.



261

-5-









Maryland Department of Transportation  
State Highway Administration

O James Lightizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 8361 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/07/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STCP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIEUTION MEETING OF FEB. 6, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 246,252,253,254,255,  
256,257,258,259,260,261 AND 263.

RECEIVED  
FEB 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, FHCNE 687-4681, MS-110CF

cc: File



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management February 23, 1995

FROM: J. Lawrence Pilson *JLP/mj*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #261 - Rehrey Property  
2113 West Liberty Road  
Zoning Advisory Committee Meeting of February 6, 1995

Agricultural Preservation Program

This request has been reviewed for agricultural purposes and prime and productive soils.

There is no basis in this request for protecting or furthering agricultural uses in the RC-2 zone. Furthermore, the 2 acre size exceeds the 60,000 square feet policy recommendation. The location, however, is such that there is no significant detrimental impact on agricultural resources. Recommend that 2 acres be reduced to 60,000 square feet if decision is made on nonagricultural basis to grant this request.

Ground Water Management

Revised site plans must be submitted and a well must be drilled which meets the minimum yield of one gallon per minute prior to approval of a building permit.

JLP:sp

REHREY/DEPRM/TXTSBP

RECEIVED  
FEB 24 1995

ZADM

RE: PETITION FOR SPECIAL HEARING  
21133 W. Liberty Road, W/S Liberty Road,  
110' +/- S of c/l intersection Bond Road  
and W. Liberty Road, 7th Election Dist.,  
3rd Councilmanic  
James J. Rehrey  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-260-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *14<sup>th</sup>* day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd., 320 W. Towsontown Blvd., Towson, MD 21286, representative for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*Dennis Glorioso*  
*James Rehrey*  
*Bruce Peak*

*21201 W. Liberty Rd Parkers*  
*21133 W. Liberty Rd Parkers 21211*

ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT  
BALTIMORE COUNTY DEVELOPMENT PROCESS

CONCEPT TIMELINE - Approximately Sixty (60) Days

Legislative Mandate	Activity	Coordinating Agency
Optional	<b>INFORMATIONAL CONFERENCE</b> Scheduled on Tuesdays at half-hour intervals. <b>Purpose:</b> For applicant to learn about County policies, standards and legislation.	ZADM
Optional	<b>PRECONCEPT PLAN CONFERENCE</b> Scheduled on Tuesdays at 45 minute intervals. <b>Attended by:</b> GPZ, BPH, DEPRM & ZADM <b>Purpose:</b> For the applicant and relevant County agencies to discuss concept plan requirements.	ZADM
Required prior to COMMUNITY INPUT MEETING and filing of Development Plan	<b>CONCEPT PLAN CHECKPRINT</b> <b>Purpose:</b> Two (2) copies of a concept plan checkprint must be submitted to ZADM for review. Plan is reviewed and returned to applicant within five (5) working days.	ZADM
Required prior to COMMUNITY INPUT MEETING and filing of Development Plan	<b>CONCEPT PLAN</b> - Plans to be accepted for distribution for review by agencies. Number of plans to be determined by ZADM.	ZADM

cont'd

TENANT FARMER'S DWELLINGS

(also see RM-13.6 tenant trailers)

- A. Tenant dwellings are permitted only on farms, and may only be occupied by a tenant farmer whose principal vocation would be farming on the property. (See definition of farm in Section 101, B.C.2.R.)
- B. Tenant dwellings are permitted in the D.R. zones under farms (Section 1801.1.A.7) and in the R.C. Zones under the following sections:  
1A01.2.B.7.i (R.C.2)  
1A02.3.B.7 (R.C.3)  
1A03.4.B.7 (R.C.4)  
1A04.3.B.6 (R.C.5)  
1A05.2.A.4 (R.C. 20 & 50)
- C. The Zoning Commissioner requires that the property be a bona fide farm and the occupant of the dwelling be a bona fide tenant farmer. In all cases, a tenant affidavit must be filled out and signed by the owner of the property and a copy of the deed to the property attached. This will be kept on file in the Office of ZADM. On small acreage farms or farmettes additional documentation or a special hearing may be required to justify a tenant farmer. Verification and/or recommendation by the Agricultural Land Preservation Advisory Board may be requested regarding the farm use and the need for an on-site tenant.

CONTACT PERSON FOR THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD:

Wallace S. Lippincott, Jr. (887-2904)  
Program Administrator  
Agricultural Preservation Program  
Department of Environmental Protection  
and Resource Management (DEPRM)

SINGLE AFFIDAVIT OVER →

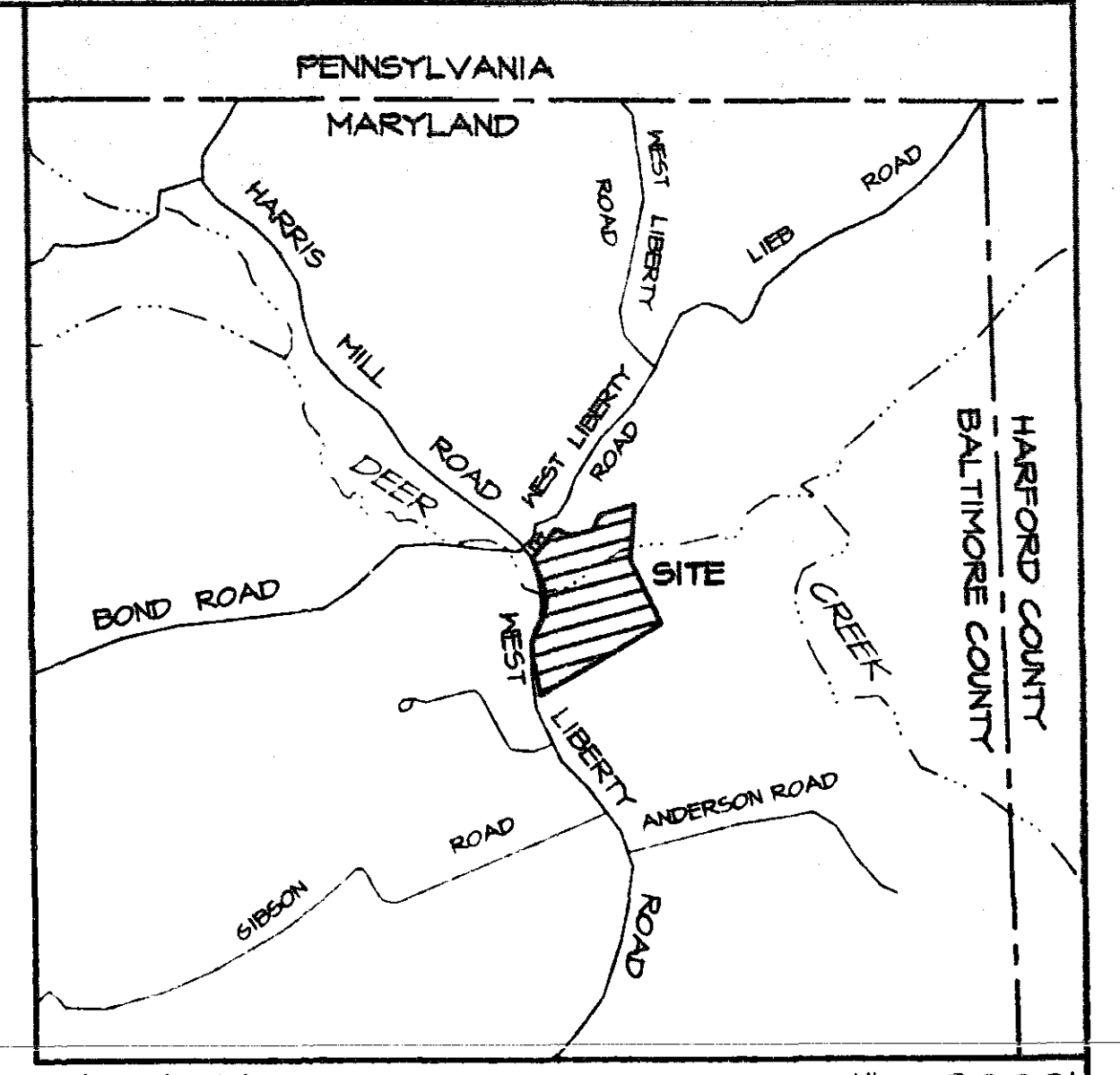
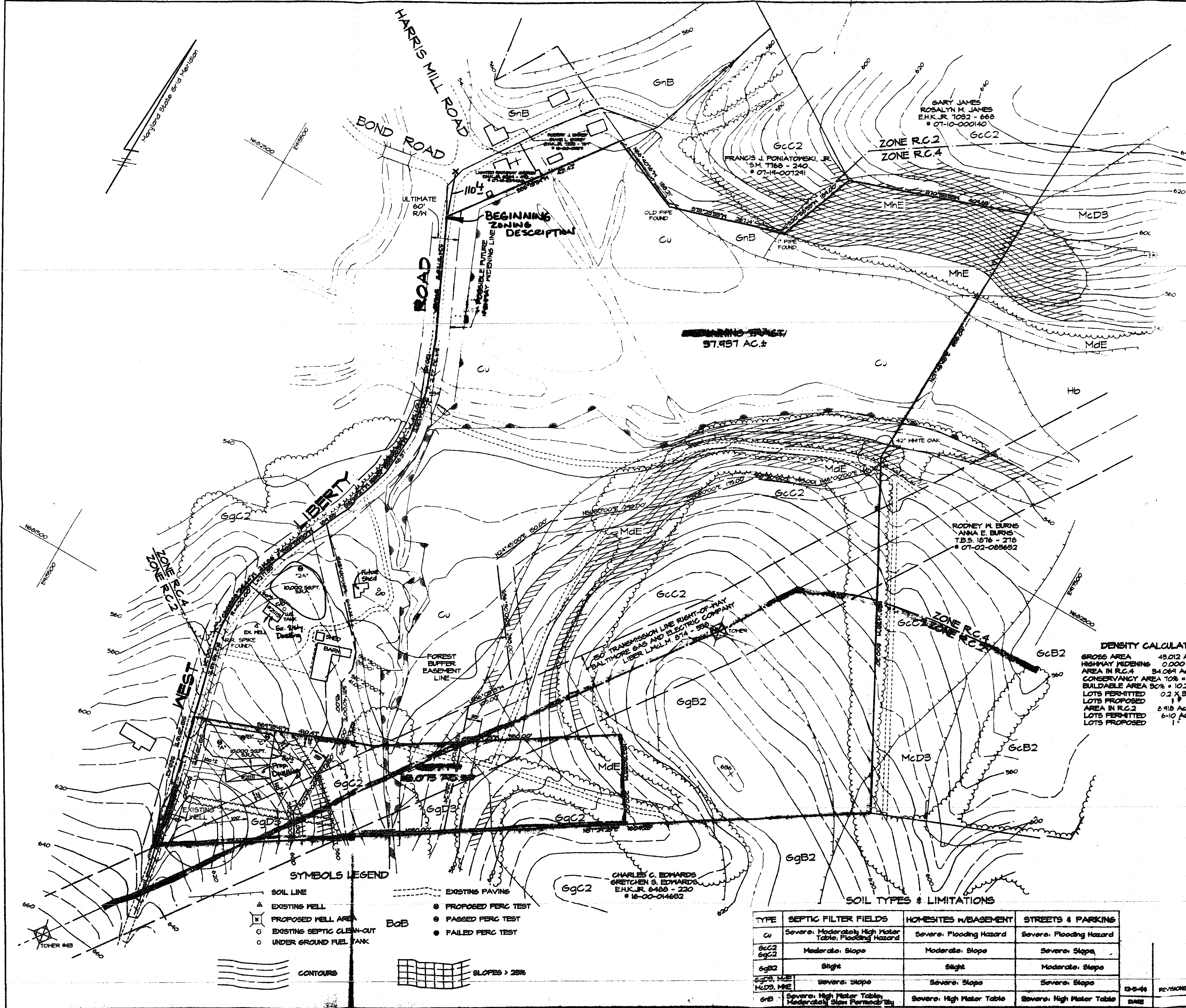








E-1114  
5:00PM



GENERAL NOTES

1. BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL.
2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NE 30-B AND NE 37-B.
3. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELL AND SEPTIC.
4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 8.
5. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
6. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY JAMES J. REHREY OR HIS ESTATE SINCE NOVEMBER 18, 1978. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
7. - - - - - DESIGNATES 350' SIGHT LINE. THE AREA BETWEEN THE SIGHT LINE AND THE EDGE OF THE ROAD MUST BE CLEARED, GRADED, AND KEPT FREE OF ALL OBSTRUCTIONS.
8. ALL EXISTING SEPTIC SYSTEMS, WELL, AND PERCOLATION TESTS WERE FIELD LOCATED.
9. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREA.
11. PROPERTY IS CURRENTLY BEING USED FOR AGRICULTURAL PURPOSES.
12. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPERS RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFERRED USE STATUS AND THAT ODORS, NOISE, DUST, FARM EQUIPMENT, LIVESTOCK, AND THE USE OF AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZERS, HERBICIDES, AND OTHER CONTROL AGENTS) ARE IN ACTIVE USE.
13. CENSUS TRACT 4071 COUNCILMANIC DISTRICT 9 REGIONAL PLANNING DISTRICT 301A SCHOOL DISTRICT 54 SUBSCHOOL 61
14. WHEN A PLAN WITH FULL DENSITY IS PROPOSED A PERMANENT BASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY PRIOR TO FINAL APPROVAL OF A PLAN.
15. UNDERGROUND FUEL TANK HAS BEEN PRECISION TESTED AND APPROVED.
16. THERE ARE NO EXISTING WELLS OR SEPTICS WITHIN 100' OF THE PROPERTY LINES ADJACENT TO THE PROPOSED DWELLING SITE (LOT 1).
17. AREA IN LOT 1 R.C.-4 = 2.889 AC.± AREA IN LOT 1 R.C.-2 = 2.106 AC.±
18. THERE ARE NO PRIOR ZONING CASES.
19. PROPERTY SHOWN HEREON IS NOT IN A FLOODPLAIN.

DENSITY CALCULATIONS

GROSS AREA	49.012 Acres +/-
HIGHWAY WIDENING	0.000 Acres +/-
AREA IN R.C.4	34.064 Acres +/-
CONSERVANCY AREA 10% =	25.848 AC.±
BUILDABLE AREA 50% =	10.221 AC.±
LOTS PERMITTED 1/1	0.2 X 54 AC.± = 6.8 LOTS
AREA IN R.C.2	2.918 Acres +/-
LOTS PERMITTED 6-10 ACRES =	3 LOTS

OWNER/DEVELOPER

JAMES J. REHREY, ET AL.  
2113 WEST LIBERTY ROAD  
WEST LIBERTY, MARYLAND 21120  
**PLAN TO ACCOMPANY SPECIAL HEARING**  
**MINOR SUBDIVISION OF**  
**REHREY PROPERTY**  
2113 WEST LIBERTY ROAD  
Deed Ref: E.H.K.JR. No. 6430 folio 301  
Tax Account No. 17-00-004842  
Zoned R.C.-4 and R.C.-2  
Tax Map 8 Grid 5 Parcel 213  
7th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND  
BALTO. CO. FILE # 44-196-M

SYMBOLS LEGEND

- SOIL LINE
- EXISTING WELL
- PROPOSED WELL AREA
- EXISTING SEPTIC CLEAN-OUT
- UNDER GROUND FUEL TANK
- EXISTING PAVING
- PROPOSED PERC TEST
- PASSED PERC TEST
- FAILED PERC TEST
- CONTOURS
- SLOPES > 25%

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
Cu	Severe: Moderately High Water Table; Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
GgC2	Moderate: Slope	Moderate: Slope	Severe: Slope
GgB2	Slight	Slight	Moderate: Slope
GgB2, McD3, MhE	Severe: Slope	Severe: Slope	Severe: Slope
GgB	Severe: High Water Table; Moderately High Permeability	Severe: High Water Table	Severe: High Water Table

Scale: 1" = 100' October 18, 1994

**GERHOLD, CROSS & ETZEL**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
820 East Towson Boulevard  
Towson, Maryland 21286  
(410) 823-4470

DATE	REVISION
12-5-94	REVISION PER SET ESSENTIAL COMMENTS